

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users (SAFETEA-LU) includes guidance on linking planning and National Environmental Policy Act (NEPA) such that transportation decision-making considers environmental, community, and economic goals early in the planning stage, through project development and design, and ultimately construction. This process encourages greater public involvement and agency coordination on a broader, ecosystem-level perspective rather than on an individual basis. The NDDOT considers public involvement a key to a successful project. Public involvement begins in the planning phase and ends post construction. It is intended to assist in the understanding of the transportation facility and the proposed project, as well as any social, economic, and environmental effects that may be caused by the proposed project. It is also a tool to encourage input and provides the decision-makers valuable information to be considered in the process.

It is intended that the public involvement procedures be designed in a manner that will comply with Title VI of the Civil Rights Act of 1964. The purpose of Title VI is to eliminate race discrimination in federally funded programs by making sure that funds of the United States are not used to support race, color, sex, or national origin discrimination in programs receiving federal financial assistance.

Pursuant to 23 CFR 771.111(h) for the Federal-aid highway program:

- 1) Each State must have procedures approved by the FHWA to carry out a public involvement/public hearing program pursuant to 23 U.S.C. 128 and 139 and CEQ regulation.
- 2) State public involvement/public hearing procedures must provide for:
 - i. Coordination of public involvement activities and public hearing with the entire NEPA process.
 - ii. Early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions.
 - iii. One or more public hearings or the opportunity for hearing(s) to be held by the state highway agency at a convenient time and place for any Federal-aid project which requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest.

The NDDOT has developed procedures, in conjunction with FHWA, and are described in this Section.

- For Programmatic CatEx (ECL) projects, public involvement is not required. However, public involvement will be required by NDDOT if the project goes through, or is immediately adjacent to, a community of any size, either incorporated or unincorporated, utilizing two mechanisms. First, the District makes contact with the local city/county representative as described in the field review outline. Secondly, a SOV letter will be sent to the city/county offices to notify them of the project.
- For projects processed under a Documented CatEx (DCE), a Public Input Meeting will be required if the projects goes through, or is immediately adjacent to, any community of any size, either incorporated or unincorporated. For projects that have an EA or EIS prepared pursuant to 23 CFR 771.111(h), a public hearing or an opportunity for public hearing(s), is required.

II-03.01 Solicitation of Views (SOV)

The solicitation of views process ensures that the scope of the project is made known to other jurisdictions and government agencies. It ensures that they have an opportunity to comment on the project's impacts on the human, natural, and physical environment. The requirements for adequate planning and coordination exist in both state and federal regulations. SOVs are prepared for comment on projects processed under a Documented CatEx, EA, and EIS. HBP overlay, HBP patching, cold in place recycling, and white topping projects that are processed under a Programmatic ECL require letter #6 to the ND State Water Commission.

II-03.01.01 SOV Form Letters

The environmental document author should prepare a letter describing all ground disturbing activities associated with the proposed project, such as slope flattening, culvert extensions, and temporary bypasses. Detour routes and potential road closures should also be included. All solicitation letters should have a map of the proposed project including the section, township, and range. The attached map should delineate the project area and any expected area of disturbance. These letters are used to request comments on the proposed project from federal, state, local, tribes, and private agencies. Agencies should be given a minimum of 30 days to respond.

Presently there are six different kinds of solicitation letters. All SOV letters can be found on the web at <http://www.dot.nd.gov/manuals/design/designmanual/reference-forms.htm>.

Letter 1 (General Solicitation)

This is a general-purpose letter that can be used for almost all agencies.

Letter 2 (United States Army Corps of Engineers)

Letter 2 will be sent after the wetland delineation is completed. The letter will request a jurisdictional determination of all waters and wetlands within the project area and will contain the wetland delineation, wetland table, maps, data forms, and any other supplemental material that would assist the USACE in the jurisdictional determination. If it is determined no wetlands are present, Letter 2B shall be sent to USACE. The wetland table can be found on the web at <http://www.dot.nd.gov/manuals/design/designmanual/reference-forms.htm>.

Letter 3 (US Department of Agriculture)

This letter is used to solicit the views of the State Conservationist, specifically the identification of prime and unique farmland. A farmland impact rating form may be required and a completed form should be included in the environmental document if work will occur outside NDDOT right of way and involves disturbance of 10 acres or more per linear mile, or greater than 3 acres per bridge or interchange.

Letter 4 (State Health Department)

The solicitation of the North Dakota Department of Health requires traffic counts after project completion and forecast traffic 20 years after completion. It is directed towards air quality, but also requests information on water quality and solid/hazardous waste sites or spill locations.

Letter 5 (State Historic Preservation Officer)

Environmental document authors are asked to coordinate the completion of this letter through the Cultural Resource Section. An example is provided in the form letter. The SOV letters to Tribal Governments, Tribal Historic Preservation Office (THPOs), and Tribal Cultural Resource personnel will also be specific to their interests and needs.

Letter 6 (State Water Commission)

This letter is used to solicit specific information related to permitting from the State Engineer.

Letter 7 (US Fish & Wildlife Service)

This letter is used to solicit specific information related to USFWS easement lands and T&E species.

Letter 8 (Advocacy Group)

This letter is used to solicit comments and provide advance notice of upcoming highway projects for advocacy groups and their constituents. This letter is required for projects processed under a Documented CatEx that go through, or are immediately adjacent to, any community, either incorporated or unincorporated. This letter is also required for all EA/EIS projects.

The Designer or Technical Support Contact shall scan the signed letter, and email it to their respective Administrative Assistant. The Administrative Assistant shall forward the letter to the Advocacy Group using GovDelivery.

Notes: These letters are "form letters" and need to be merged with the Master SOV list to obtain the correct format. Contact Information Processing if further guidance on the use of form letters is needed. These letters can be found on the web at

<http://www.dot.nd.gov/manuals/design/designmanual/reference-forms.htm>.

II-03.01.02 Mailing Lists

The environmental document author needs to evaluate what information is going to be provided in the form letters and where these form letters are going to be sent. A list of agencies from which views will be solicited should be developed and documented. Authors should start this list from the master SOV list. The most current SOV list is located on the web at

<http://www.dot.nd.gov/manuals/design/designmanual/reference-forms.htm>.

The master solicitation of views list contains agencies, groups, associations and officials that NDDOT determines to have an interest in NDDOT projects. Interested individuals, groups or agencies may, at their request, be added to the NDDOT solicitation of views mailing list. A special effort should be made on projects to seek out and include the interests of minority groups or individuals.

Users should only print the mailing list when needed. This list will be updated frequently on the web. Users should always obtain a current master SOV list before selecting addresses. Please make recommendations to improve the master SOV list and send address revisions to the Environmental Section of the Environmental and Transportation Services Division.

A project specific mailing list should be created for each project from the master SOV list that requires solicitation of views. This list shall be included as an appendix in the environmental document.

II-03.01.02.01 Usage Codes

The agencies and interested parties on the master SOV list have been assigned a usage code. The usage code is a way of organizing the list. The date edited field is intended to help keep track of the last time an address was revised. The following information describes the usage code.

100 – These parties are always solicited for their views.

200 – The parties are not always solicited. The decision to solicit a view is dependent on the type of project.

300 – These parties are solicited when a project is within or adjacent to a municipality.
(reference "*Directory of Government Officials*")

400 – These parties are always solicited.
(reference "*County Officials Directory*")

500 – These parties are not always solicited. The decision to solicit is dependent upon the location of the project.

600 – All railroads and utilities located within the project limits and adjacent to the project shall be solicited. The environmental document author or technical support person should contact the NDDOT Utilities Engineer to make sure all required utility companies are solicited.

II-03.01.03 Printing, Signing and Distribution

Once the final mailing list is established, the letters are distributed. Note that the solicitation of views for local entity developed projects should be signed by the local entity's project engineer or consultant engineer. The solicitation of views for district developed projects should be signed by the District Engineer or Assistant District Engineer. The solicitation of views for in-house developed NDDOT projects should be signed by the Design Engineer or by the Bridge Engineer if the project is developed in the Bridge Division. The solicitation of views letter should be signed by the project manager for consultant developed projects. For State highway projects, Letter #2 is signed by the Environmental Liaison and Letter #5 is signed by the Cultural Resource Specialist. For local entity developed projects, Letter #2 is signed by the Local Government Division Technical Support Contact. The environmental document author shall submit the Project Information Form (SFN 52748) to the Cultural Resource Section Leader to coordinate the Section 106 process.

After the letters are signed, use one type of each form letter (without address when multiple addresses are solicited) and include the list of addresses solicited for that project. This should be scanned into FileNet and a copy kept for inclusion in the appendix of the environmental

document. Consultants should submit a .pdf file of the information to the NDDOT Technical Support Contact. The Technical Support Contact shall then place the information in FileNet.

II-03.01.04 Comments

Comments received in response to solicitation of views letters should be considered, and when appropriate, addressed in the environmental document. These comments should also be incorporated into an appendix to the environmental document.

For projects where an EA or EIS is prepared, the SOV letters and responses should be compiled at the end of the comment period and placed in FileNet. Consultants should submit a .pdf file of the information to the NDDOT Technical Support Contact. The Technical Support Contact shall then place the information in FileNet.

II-03.02 Public Meetings

A public meeting is any meeting which the public is encouraged to attend. The meeting will include information about the proposed project as well as time for the public to voice concerns or ask questions. A few types of public meetings are Public Input Meetings, Public Hearings, and Public Information Meetings. Each type of public meeting will be discussed in the paragraphs that follow.

The following checklist can be used to help schedule and make arrangements for public meetings (Public Input, Public Hearing, and Public Informational):

- Review needed preparation time for information, pamphlets and exhibits, and adjust time frame accordingly.
- Determine desired individual representation at the meeting
- Determine time that will work with the local representation
- Clear with local calendar, check for other events that will influence public attendance (i.e. sporting events, religious holidays or activities)
- Reserve location (accessible to the mobility impaired)
- Make audio and visual equipment arrangements if necessary

Interested individuals may also be sought by a mailing within the project corridor. In addition, and as appropriate, use direct mail, a poster campaign, public service announcements, paid advertising, or other means of advertising to inform the public. Any interested agencies, officials, groups, or individuals that have expressed an interest in the proposed project shall be notified by mail.

The Distribution List should be used to determine additional people to be invited. The Distribution List can be found on the web at <http://www.dot.nd.gov/manuals/design/designmanual/designmanual.htm>.

II-03.02.01 Public Input Meetings

Public Input Meetings provide an early opportunity for the public and other agencies to comment on the need for the project, suggest alternatives, and identify areas of concern. Projects processed under a Documented CatEx will require a Public Input Meeting if the project goes through, or is immediately adjacent to, any community, either incorporated or unincorporated. In addition, NDDOT strongly encourages holding Public Input Meetings for all projects processed under an EA or EIS, in addition to the public hearing.

The environmental document author will coordinate meeting location and time, advertise the meeting, prepare informational handouts and exhibits, and conduct the input meeting. Input meetings may be held either jointly with other meetings such as city council, city planning commission, county commission, etc., or a special meeting called specifically to discuss a given project.

II-03.02.01.01 Public Input Meeting Notification

The public must be given an adequate opportunity to attend a Public Input Meeting. This can only be accomplished through proper notification. The following points will ensure adequate notification is given to the public:

- A Legal Display Advertisement of a Public Input Meeting is published **once** in the official county newspaper in the area of the project. Additional papers having a general circulation in the area of the project may also be considered for publication after a consultation with the contact for the Legal Display Advertisement. The contact person is defined on the following page under process for submitting Legal Display Advertisement. The publication must be 15 to 21 calendar days prior to the Public Input Meeting¹. Examples can be found on the web at <http://www.dot.nd.gov/manuals/design/designmanual/reference-forms.htm>. The Legal Display Advertisement will also be posted to the NDDOT Calendar on the NDDOT website no later than the day of publishing in the county newspaper.

¹ A public meeting must be advertised at least 15 days, but no more than 21 days prior to the meeting date. If this cannot be met, then the meeting must be rescheduled.

- A Press Release needs to be submitted for all Public Input Meetings. Templates can be found on the web at <http://www.dot.nd.gov/manuals/design/designmanual/reference-forms.htm>. The Press Release will be distributed 5 to 7 calendar days prior to the Public Input Meeting.
- The following must be considered when scheduling a Public Input Meeting.
 - The building in which the Public Input Meeting is held in shall be accessible to the mobility impaired.
 - Avoid holding meetings on Saturday, Sunday, or Wednesday nights, to avoid conflicts with religious activities.
 - Public Input Meetings should be scheduled for a minimum of two hours and the personnel conducting the meeting need to stay the entire time.
 - Where can the public view related maps, drawings, and proposed documents (if applicable)

Follow the process below when submitting a Legal Display Advertisement for a Public Input Meeting:

- Consultant Projects – Bridge and Design Division
 - Submit copy to the NDDOT Technical Support Contact 7 to 10 calendar days prior to the publication deadline
 - Technical Support Contact will review and provide comment to the consultant
 - The Technical Support Contact will coordinate with their respective administrative assistant to post the Legal Display Advertisement to the NDDOT Calendar on the NDDOT website. The contact person to list on the NDDOT Calendar shall be the same person listed to receive written comments in the Legal Display Advertisement.
 - The consultant will publish the Legal Display Advertisement with the newspaper(s), and will obtain affidavit of publication for inclusion in the Public Involvement Report (Documented CatEx) or environmental document (EA or EIS)
- Local Government (ND & US Highways) developed projects:
 - Submit copy to the Local Government Technical Support Contact 7 to 10 calendar days prior to the publication deadline
 - The Local Government Technical Support Contact will review and provide comment to the consultant
 - The Local Government Technical Support Contact will coordinate with their respective administrative assistant to post the Legal Display Advertisement to the NDDOT Calendar on the NDDOT website. The contact person to list on the NDDOT Calendar shall be the same person listed to receive written comments in the Legal Display Advertisement.

- The consultant will publish the Legal Display Advertisement with the newspaper(s), and will obtain affidavit of publication for inclusion in the Public Involvement Report (Documented CatEx) or environmental document (EA or EIS)
- Local Entity (Urban & County Federal Aid Routes, and TAP) developed Projects:
 - Submit copy to the Local Government Technical Support Contact 7 to 10 calendar days prior to the publication deadline
 - The Local Government Technical Support Contact will review and provide comment to the Local Entity/Consultant
 - The Local Entity/Consultant will coordinate and publish the Legal Display Advertisement with the newspaper(s), and will obtain affidavit of publication for inclusion in the Public Involvement Report (Documented CatEx) or environmental document (EA or EIS)
- District Design Projects
 - If a District needs to conduct a Public Input Meeting, direction shall be taken from Design Division when scheduling and submitting Legal Display Advertisements
- Bridge and Design Division developed projects:
 - The environmental document author, after review by the appropriate Section Leader, will submit a copy to their respective Administrative Assistant 7 to 10 days prior to the publication deadline.
 - The Administrative Assistant will post the Legal Display Advertisement to the NDDOT Calendar on the NDDOT website. The contact person to list on the NDDOT Calendar shall be the same person listed to receive written comments in the Legal Display Advertisement.
 - The Administrative Assistant will coordinate and publish with the newspaper(s), and will obtain affidavit of publication for inclusion in the Public Involvement Report (Documented CatEx) or environmental document (EA or EIS)

Follow the process below when submitting a Press Release for a Public Input Meeting:

- Consultant Projects – Bridge and Design Division
 - Submit copy to the NDDOT Technical Support Contact 21 calendar days prior to the Public Input Meeting
 - Technical Support Contact will review and forward to the appropriate Administrative Assistant
 - The Administrative Assistant will submit to Director of the Communications Division
 - The Director of the Communications Division will review and send to the appropriate media and provide an email receipt to the Administrative Assistant to be included in the Public Involvement Report (Documented CatEx) or Environmental Document (EA or EIS)

- Local Government (ND & US Highways) developed projects:
 - Submit copy to the Local Government Technical Support Contact 21 calendar days prior to the Public Input Meeting
 - The Local Government Technical Support Contact will review and submit to Director of the Communication Division
 - The Director of the Communications Division will review and send to the appropriate media and provide an email receipt to the Local Government Technical Support Contact to be included in the Public Involvement Report (Documented CatEx) or Environmental Document (EA or EIS)

- Local Entity (Urban & County Federal Aid Routes, and TAP) developed Projects:
 - Submit copy to the Local Government Technical Support Contact 21 calendar days prior to the Public Input Meeting
 - The Local Government Technical Support Contact will review and submit to Director of the Communications Division
 - The Director of the Communications Division will review and send comments back to the Local Government Technical Support Contact
 - The Local Government Technical Support Contact will send comments to the Local Entity/Consultant for correction
 - The Local Entity/Consultant will send the press release to the appropriate media and include in the Public Involvement Report (Documented CatEx) or environmental document (EA or EIS)

- District Design Projects
 - If a District needs to conduct a Public Input Meeting direction shall be taken from Design Division when scheduling and submitting Press Releases

- Bridge and Design Division developed projects:
 - The environmental document author, after review by the appropriate Section Leader, will submit a copy to the appropriate Administrative Assistant 21 calendar days prior to Public Input Meeting
 - The Administrative Assistant will submit to the Director of the Communications Division
 - The Director of the Communications Division will review and send to the appropriate media and provide an email receipt to the appropriate Administrative Assistant to be included in the Public Involvement Report (Documented CatEx) or Environmental Document (EA or EIS)

II-03.02.01.02 Conducting a Public Input Meeting

Public Input Meetings should be held at a time and place convenient for affected citizens. The meeting location should be accessible to the mobility impaired. The following are the two most common formats, but there are others that may be appropriate, and could include a combination of both.

- **Traditional format:** The traditional format is effective in presenting and gathering information, and especially in disseminating large amounts of data to a large, diverse audience. It is commonly used at meetings designed to introduce a project, present alternative alignments or designs, or discuss potential social, environmental, and economic impacts. This format consists of an agency presentation, followed by a discussion period with the audience.
- **Open-house format:** The open-house format is becoming increasingly popular for dealing with the public on a one-to-one basis. It lets people express their thoughts about a plan without having to make a public speech. Participants are encouraged to:
 - Read the meeting brochure
 - Ask questions
 - Review exhibits
 - Send in a comment card or letter to formally express the oral communication made at the meeting
 - Interact informally with each other and with agency representativesSince this type of meeting is, by its nature, easy to conduct with no agendas, presentations, or other structured activities (except possibly for a brief, repeating video on the project); people can come and go at will.
- **Combo format:** During the meeting time, an open house could be held to allow for the public to view the materials in advance and ask questions prior to, and after the formal presentation. This approach has been very successful making meeting attendees feel comfortable but it also accommodates a presentation where one message is conveyed to the audience.
- The decision on which meeting format to use is made by: the local entity, on locally developed projects; NDDOT on all other projects.

Whether a traditional or open-house format is conducted, the following information should be presented at the Public Input Meeting:

- SFN 59531 NDDOT Sign-In Sheet and SFN 60149 NDDOT Title VI Public Participation Survey need to both be available at the meeting to collect information on the public

meeting attendance. The SFN's and instructions are located on the web at:
<http://www.dot.nd.gov/manuals/design/designmanual/reference-forms.htm>

- The project's purpose, need, and consistency with the goals and objectives of any local planning.
- The project alternatives under consideration and major design features.
- The social, economic, environmental, and other impacts of the project, including any floodplain and/or wetland impacts.
- The storm water poster should be on display.
- The right of way acquisition process, to include the relocation assistance program if needed. Also a tentative schedule of acquisition will be presented, and a brochure describing the land acquisition process and the owner's rights, privileges, and obligation will be distributed.
- A description of the procedures for receiving both oral and written statements from the public. The participants should be informed that statements or exhibits may be presented for 15 calendar days following the Public Input Meeting and will be made part of the record.
- Provide a tentative schedule of construction.
- The source of project funding.
- The agency responsible for developing the project.
- The back of the comment cards should have space for land owners to write down if they have wetlands or borrow on their property that they would be willing to mitigate or sell.

II-03.02.01.03 Public Input Meeting Response Period

There is a 15 calendar day response period following the Public Input Meeting in which the public may send written comments to the local entity or NDDOT, depending on who developed the project.

Comments received during the Public Input Meeting should be compiled at the end of the comment period and incorporated into a documented titled Public Involvement Report for projects processed under a CatEx. For projects where an EA or EIS is prepared, this information should be contained in the appendices.

II-03.02.02 Public Hearings

Public Hearings are held to discuss the proposed improvements and their social, economic, and environmental impacts. Public Hearings are open discussions of the purpose and need for the project and any alternatives which are to be considered. A summary of any social, economic, or environmental impacts, or land use studies made in relation to the project are presented. Public Hearings will be held for certain projects where an EA or EIS is prepared.

As indicated at the beginning of this section, a Public Hearing or an Opportunity for a Public Hearing is required if a project:

- Involves the acquisition of significant amounts of right-of-way.
- Has substantial adverse impacts upon abutting property.
- Has a substantial change in roadway geometry or function of connecting roadways or of the facility being improved.
- Has a significant social, economic, environmental, or other impact.
- Is environmentally controversial.
- Involves a bypass or substantial change in traffic patterns.

In addition, there may be a few limited occasions where the NDDOT may conduct, at the Department's discretion, a Public Hearing, or an Opportunity for a Public Hearing for projects that may be processed under a Documented CatEx as follows:

- There is substantial interest in holding a Public Hearing.
- Another agency with jurisdiction over the actions has requested a Public Hearing.
- FHWA determines that a Public Hearing is in the public interest.

The Deputy Director for Engineering, in consultation with FHWA, where appropriate, will determine whether a Public Hearing or Opportunity for Public Hearing is required under the National Environmental Policy Act (NEPA). The Deputy Director for Engineering, in consultation with Office of Project Development, will determine:

- Whether a Public Hearing is held or an Opportunity for Public Hearing offered for those projects which NEPA requires formal notification to the public for an opportunity to request a Public Hearing.

- Whether or not a Public Hearing will be held for projects not requiring Public Hearings under NEPA.

On local entity developed projects, the Local Government Engineer will make this decision.

Additional Public Hearings, or Opportunities for Public Hearing, will be provided when there is:

- Substantial change in the proposal
- Substantial unanticipated development in the area affected by the proposal
- An unusually long lapse of time since the last Public Hearing
- Identification of additional social, economic, or environmental effects not previously considered at earlier Public Hearings

Comments received during the Public Hearing should be compiled at the end of the comment period and incorporated into the Public Involvement Report for projects processed under a CatEx. For projects where an EA or EIS is prepared this information should be contained in the appendices.

II-03.02.02.01 Public Hearing Notification

The public must be given an adequate opportunity to attend a Public Hearing. This can only be accomplished through proper notification. The following points will ensure adequate notification is given to the public:

- A Legal Display Advertisement of a Public Hearing is published **once** in the official county newspaper in the area of the project. Additional papers having a general circulation in the area of the project may also be considered for publication after a consultation with the contact for the Legal Display Advertisement. The contact person is defined on the following page under process for submitting Legal Display Advertisement. The publication must be 15 to 21 calendar days prior to the Public Hearing². Examples can be found on the web at <http://www.dot.nd.gov/manuals/design/designmanual/reference-forms.htm>. The Legal Display Advertisement will also be posted to the NDDOT Calendar on the NDDOT website no later than the day of publishing in the county newspaper.
- A Press Release needs to be submitted for all Public Hearings. Templates can be found on the web at <http://www.dot.nd.gov/manuals/design/designmanual/reference-forms.htm>. The Press Release will be distributed 5 to 7 calendar days prior to the Public Hearing.
- The following must be considered when scheduling a Public Hearing.
 - The building in which the Public Hearing is held in shall be accessible to the mobility impaired
 - Avoid holding meetings on Saturday, Sunday, or Wednesday nights, to avoid conflicts with religious activities
 - Public Hearings should be scheduled for a minimum of two hours; three hours for EIS projects
 - The personnel conducting the hearing need to stay the entire time, or longer to hear all comments
 - Where can the public view related maps, drawings, and proposed documents

² A public meeting must be advertised at least 15 days, but no more than 21 days prior to the meeting date. If this cannot be met, then the meeting must be rescheduled.

Follow the process below when submitting a Legal Display Advertisement for a Public Hearing:

- Consultant Projects – Bridge and Design Division
 - Submit copy to the NDDOT Technical Support Contact 7 to 10 calendar days prior to the publication deadline
 - Technical Support Contact will review and provide comment to the consultant
 - The Technical Support Contact will coordinate with their respective administrative assistant to post the Legal Display Advertisement to the NDDOT Calendar on the NDDOT website. The contact person to list on the NDDOT Calendar shall be the same person listed to receive written comments in the Legal Display Advertisement.
 - The consultant will publish the Legal Display Advertisement with the newspaper(s), and will obtain affidavit of publication for inclusion in the Public Involvement Report (Documented CatEx) or environmental document (EA or EIS)

- Local Government (ND & US Highways) developed projects:
 - Submit copy to the Local Government Technical Support Contact 7 to 10 calendar days prior to the publication deadline
 - The Local Government Technical Support Contact will review and provide comment to the consultant
 - The Local Government Technical Support Contact will coordinate with their respective administrative assistant to post the Legal Display Advertisement to the NDDOT Calendar on the NDDOT website. The contact person to list on the NDDOT Calendar shall be the same person listed to receive written comments in the Legal Display Advertisement.
 - The consultant will publish the Legal Display Advertisement with the newspaper(s), and will obtain affidavit of publication for inclusion in the Public Involvement Report (Documented CatEx) or environmental document (EA or EIS)

- Local Entity (Urban & County Federal Aid Routes, and TAP) developed Projects:
 - Submit copy to the Local Government Technical Support Contact 7 to 10 calendar days prior to the publication deadline
 - The Local Government Technical Support Contact will review and provide comment to the Local Entity/Consultant
 - The Local Entity/Consultant will publish the Legal Display Advertisement with the newspaper(s), and will obtain affidavit of publication for inclusion in the Public Involvement Report (Documented CatEx) or environmental document (EA or EIS)

- District Design Projects
 - If a District needs to conduct a Public Hearing, direction shall be taken from Design Division when scheduling and submitting Legal Display Advertisements

- Bridge and Design Division developed projects:
 - The environmental document author, after review by the appropriate Section Leader, will submit a copy to their respective Administrative Assistant 7 to 10 days prior to the publication deadline.
 - The Administrative Assistant will post the Legal Display Advertisement to the NDDOT Calendar on the NDDOT website. The contact person to list on the NDDOT Calendar shall be the same person listed to receive written comments in the Legal Display Advertisement.
 - The Administrative Assistant will publish with the newspaper(s), and will obtain affidavit of publication for inclusion in the Public Involvement Report (Documented CatEx) or environmental document (EA or EIS)

Follow the process below when submitting a Press Release for a Public Hearing (or FONSI or ROD):

- Consultant Projects – Bridge and Design Division
 - Submit copy to the NDDOT Technical Support Contact 21 calendar days prior to the Public Hearing
 - Technical Support Contact will review and forward to the appropriate Administrative Assistant
 - The Administrative Assistant will submit to Director of the Communications Division
 - The Director of the Communications Division will review and send to the appropriate media and provide an email receipt to the Administrative Assistant to be included in the Public Involvement Report (Documented CatEx) or Environmental Document (EA or EIS)
- Local Government (ND & US Highways) developed projects:
 - Submit copy to the Local Government Technical Support Contact 21 calendar days prior to the Public Hearing
 - The Local Government Technical Support Contact will review and submit to Local Government Director of Communication Division
 - The Director of the Communications Division will review and send to the appropriate media and provide an email receipt to the Local Government Technical Support to be included in the Public Involvement Report (Documented CatEx) or Environmental Document (EA or EIS)
- Local Entity (Urban & County Federal Aid Routes, and TAP) developed Projects:
 - Submit copy to the Local Government Technical Support Contact 21 calendar days prior to the Public Hearing
 - The Local Government Technical Support Contact will review and submit to Director of the Communications Division

- The Director of the Communications Division will review and send comments back to the Local Government Technical Support Contact
 - The Local Government Technical Support Contact will send comments to the Local Entity/Consultant for correction
 - The Local Entity/Consultant will send the press release to the appropriate media and include in the Public Involvement Report (Documented CatEx) or Environmental Document (EA or EIS)
- District Design Projects
 - If a District needs to conduct a Public Hearing direction shall be taken from Design Division when scheduling and submitting Press Releases
 - Bridge and Design Division developed projects:
 - The environmental document author, after review by the appropriate Section Leader, will submit a copy to the appropriate Administrative Assistant 21 calendar days prior to Public Hearing
 - The Administrative Assistant will submit to the Director of the Communications Division
 - The Director of the Communications Division will review and send to the appropriate media and provide an email receipt to the appropriate Administrative Assistant to be included in the Public Involvement Report (Documented CatEx) or Environmental Document (EA or EIS)

II-03.02.02.02 Opportunity for Public Hearing

The activity of providing an “Opportunity for Public Hearing” is used when a Public Hearing is required, but interest in the proposed project is limited and the project is not controversial. This activity is a tool that can be used in lieu of a Public Hearing if the lack of interest can be demonstrated and documented, or the interested parties can be addressed on an individual basis. This activity can be complicated and lengthen the project development process if used incorrectly. Often, directly conducting a Public Hearing is quicker than providing a notice of opportunity for a Public Hearing, determining that a Public Hearing is required, advertising for a Public Hearing, and finally conducting the Public Hearing.

Follow the Public Hearing Notification process found in Design Manual Section II-04.02.02.01 when publishing an Opportunity for Public Hearing. The notice should:

- Describe the location and types of the proposed improvements
- Contain a statement indicating where and when the plans and other documents are available for review

- Instructions for the public as to how they may request a Public Hearing
- Include the deadline for submission of a request for Public Hearing is 15 calendar days after the first publication
- Indicate that all requests on state and urban projects must be made in writing, addressed to the Director, North Dakota Department of Transportation (NDDOT), and will be acknowledged in writing by the NDDOT. City or county contact information shall be included in notices for city or county projects and the owner should acknowledge receipt of requests in writing.

If, after the deadline date has passed and:

No requests have been received, NDDOT forwards to FHWA, where appropriate, a copy of the published notice and a certification that no written requests for a Public Hearing were received.

If only one or two persons request a Public Hearing and the issues can be satisfactorily resolved by meeting with the individuals, the persons making the request may withdraw the request. The person making a request is allowed five days after the deadline for the submission to withdraw the request, in writing. No reason for withdrawal need be given. When a request is withdrawn, it is treated as if no request was made. If, after the five days allowed for withdrawal, any bonafide request remains, a Public Hearing is held.

II-03.02.02.03 Conducting a Public Hearing

Public Hearings should be held at a time and place convenient for affected citizens. The meeting location should be accessible to the mobility impaired. The following are the two most common formats, but there are others that may be appropriate, and could include a combination of both. The two settings start out the same with a formal presentation of the overall project information.

- **Traditional format:** The traditional format is effective in presenting and gathering information, and especially in disseminating large amounts of data to a large, diverse audience. It is commonly used at meetings designed to introduce a project, present alternative alignments or designs, or discuss potential social, environmental, and economic impacts. This format consists of an agency presentation followed by a discussion period with the audience. A Public Hearing should be recorded to include all comments in the Transcript.
- **Open-house format:** The open-house format is becoming increasingly popular for dealing with the public on a one-to-one basis. It lets people express their thoughts about a plan without having to make a public speech. Participants are encouraged to:
 - Read the Public Hearing brochure

- Ask questions
 - Review exhibits
 - Send in a comment card or letter to formally express the oral communication made at the Public Hearing
 - Interact informally with each other and with agency representatives
- Combo Format: The Public Hearing Open House begins with an open house format to allow time for the public to view the materials in advance and ask questions prior to, and after the formal presentation. This approach has been very successful making meeting attendees more comfortable but it also accommodates a presentation where one message is conveyed to the audience.
 - The decision on which Public Hearing format to use is made by the: local entity, on locally developed projects; NDDOT on all other projects.

Whether a traditional or open-house format is conducted, the following information should be presented at the Public Hearing:

- SFN 59531 NDDOT Sign-In Sheet and SFN 60149 NDDOT Title VI Public Participation Survey need to both be available at the meeting to collect information on the public meeting attendance. The SFN's and instructions are located on the web at: <http://www.dot.nd.gov/manuals/design/designmanual/reference-forms.htm>
- The project's purpose, need, and consistency with the goals and objectives of any local planning.
- The project alternatives under consideration and major design features.
- The social, economic, environmental, and other impacts of the project, including any floodplain and/or wetland impacts.
- The storm water poster should be on display.
- The right of way acquisition process, to include the relocation assistance program if needed. Also a tentative schedule of acquisition will be presented along with a brochure describing the land acquisition process and the owner's rights, privileges, and obligation will be distributed.
- A description of the procedures for receiving both oral and written statements from the public. The participants should be informed that statements or exhibits may be presented for 15 calendar days following the Public Hearing and will be made part of the record.

- Provide a tentative schedule of construction.
- The source of project funding.
- The agency responsible for developing the project.
- The back of the comment cards should have space for land owners to write down if they have wetlands or borrow on their property that they would be willing to mitigate or sell.

II-03.02.02.04 Public Hearing Response Period

There is a minimum 15 calendar day response period following the Public Hearing in which the public may send written comments to the city, county, or NDDOT, depending on who developed the project. Comments received during the Public Hearing should be compiled at the end of the comment period and incorporated into the Public Involvement Report for projects processed under a Documented CatEx. For projects processed under an EA or EIS, this information should be contained in the appendices.

II-03.02.02.05 Post Hearing Meeting

A Post Hearing Meeting should be conducted to discuss the project concept, alternatives, and public testimony approximately 30 calendar days after the Public Hearing is held. For projects processed under a Documented CatEx, it should be noted that very few projects will go to a Public Hearing, and therefore a Post Hearing Meeting, unless the project goes through a community, or is a special circumstance.

On local developed projects, the local agency determines who should attend the meeting. Included in the list of invitees should be the NDDOT District Engineer. For NDDOT developed projects, the environmental document author will invite the attendees in accordance with the Distribution List. Each individual that receives a copy of the environmental document shall be invited to the Post Hearing Meeting.

For projects processed under a Documented CatEx, a draft copy of the document and a copy of the Public Involvement Report should be made available to meeting invitees seven calendar days prior to the post hearing meeting. For EA/EIS projects, a draft copy of the meeting materials for the appendices should be made available to meeting invitees seven calendar days prior to the Post Hearing Meeting. After the Post Hearing Meeting, for projects processed as a Documented CatEx, a preferred alternative and/or options may be selected, if applicable. In higher level NEPA documents (EA or EIS), a preferred alternative may have been recommended during the team meetings and with the executive management team, including city and county representatives.

II-03.02.03 Public Informational Meetings

The purpose of Public Informational Meetings generally is to inform the public of project proposals, not to receive input from the public. This distinction should be made clear on Press Releases advertising the meetings. Since this is conducted after the Project Development Phase, just prior to construction, it is not related to the NEPA documentation portion of the project. Further, it needs to be very clear to the public that the project has been designed and is ready for construction, the message is about construction.

II-03.02.03.01 Public Informational Meeting Notification

The public must be given an adequate opportunity to attend a Public Information Meeting. This can only be accomplished through proper notification. The following points will ensure adequate notification is given to the public.

- A Legal Display Advertisement of Public Information Meeting is published **once** in the official county newspaper in the area of the project. Additional papers having a general circulation in the area of the project may also be considered for publication after a consultation with the contact for the Legal Display Advertisement. The contact person is defined on the following page under process for submitting Legal Display Advertisement. The publication must be 15 to 21 calendar days prior to the Public Information Meeting³. Examples can be found at <http://www.dot.nd.gov/manuals/design/designmanual/reference-forms.htm>. The Legal Display Advertisement will also be posted to the NDDOT Calendar on the NDDOT website no later than the day of publishing in the county newspaper.
- A Press Release needs to be submitted for all Public Information Meetings. Templates can be found on the web at <http://www.dot.nd.gov/manuals/design/designmanual/reference-forms.htm>. The Press Release will be distributed 5 to 7 calendar days prior to the Public Information Meeting.
- The following must be considered when scheduling a Public Information Meeting.
 - The building in which the Public Information Meeting is held in shall be handicapped accessible
 - Avoid holding meetings on Saturday, Sunday, or Wednesday nights, to avoid conflicts with religious activities
 - Public Information Meetings should be scheduled for a minimum of two hours and the personnel conducting the meeting need to stay the entire time.

³ A public meeting must be advertised at least 15 days, but no more than 21 days prior to the meeting date. If this cannot be met, then the meeting must be rescheduled.

- SFN 59531 NDDOT Sign-In Sheet and SFN 60149 NDDOT Title VI Public Participation Survey need to both be available at the meeting to collect information on the public meeting attendance. The SFN's and instructions are located on the web at:
<http://www.dot.nd.gov/manuals/design/designmanual/reference-forms.htm>

Follow the process below when submitting a Legal Display Advertisement for a Public Input Meeting:

- Consultant Projects – Bridge and Design Division
 - Submit copy to the NDDOT Technical Support Contact 7 to 10 calendar days prior to the publication deadline
 - Technical Support Contact will review and provide comment to the consultant
 - The Technical Support Contact will coordinate with their respective administrative assistant to post the Legal Display Advertisement to the NDDOT Calendar on the NDDOT website. The contact person to list on the NDDOT Calendar shall be the same person listed to receive written comments in the Legal Display Advertisement.
 - The consultant will publish the Legal Display Advertisement with the newspaper(s), and will obtain affidavit of publication for inclusion in the Public Involvement Report (Documented CatEx) or environmental document (EA or EIS)
- Local Government (ND & US Highways) developed projects:
 - Submit copy to the Local Government Technical Support Contact 7 to 10 calendar days prior to the publication deadline
 - The Local Government Technical Support Contact will review and provide comment to the consultant
 - The Local Government Technical Support Contact will coordinate with their respective administrative assistant to post the Legal Display Advertisement to the NDDOT Calendar on the NDDOT website. The contact person to list on the NDDOT Calendar shall be the same person listed to receive written comments in the Legal Display Advertisement.
 - The consultant will publish the Legal Display Advertisement with the newspaper(s), and will obtain affidavit of publication for inclusion in the Public Involvement Report (Documented CatEx) or environmental document (EA or EIS)
- Local Entity (Urban & County Federal Aid Routes, and TAP) developed Projects:
 - Submit copy to the Local Government Technical Support Contact 7 to 10 calendar days prior to the publication deadline
 - The Local Government Technical Support Contact will review and provide comment to the Local Entity/Consultant
 - The Local Entity/Consultant will publish the Legal Display Advertisement with the newspaper(s), and will obtain affidavit of publication for inclusion in the Public Involvement Report (Documented CatEx) or environmental document (EA or EIS)

- District Design Projects
 - If a District needs to conduct a Public Informational Meeting, direction shall be taken from Design Division when scheduling and submitting Legal Display Advertisements
- Bridge and Design Division developed projects:
 - The environmental document author, after review by the appropriate Section Leader, will submit a copy to their respective Administrative Assistant 7 to 10 days prior to the publication deadline.
 - The Administrative Assistant will post the Legal Display Advertisement to the NDDOT Calendar on the NDDOT website. The contact person to list on the NDDOT Calendar shall be the same person listed to receive written comments in the Legal Display Advertisement.
 - The Administrative Assistant will publish with the newspaper(s), and will obtain affidavit of publication for inclusion in the Public Involvement Report (Documented CatEx) or environmental document (EA or EIS)

Follow the process below when submitting a Press Release for a Public Information Meeting:

- Consultant Projects – Bridge and Design Division
 - Submit copy to the NDDOT Technical Support Contact 21 calendar days prior to the Public Information Meeting
 - Technical Support Contact will review and forward to the appropriate Administrative Assistant
 - The Administrative Assistant will submit the Press Release to the Director of the Communications Division
 - The Director of the Communications Division will review and send to the appropriate media and provide an email receipt to the Administrative Assistant to be included in the project record
- Local Government (ND & US Highways) developed projects:
 - Submit copy to the Local Government Technical Support Contact 21 calendar days prior to the Public Information Meeting
 - The Local Government Technical Support Contact will review and submit to Local Government Program Manager
 - The Local Government Program Manager will review and submit to Director of the Communications Division
 - The Director of the Communications Division will review and send to the appropriate media and provide an email receipt to the Local Government Program Manager to be included in the project record

- Local Entity (Urban & County Federal Aid Routes, and TAP) developed Projects:
 - Submit copy to the Local Government Technical Support Contact 21 calendar days prior to the Public Information Meeting
 - The Local Government Technical Support Contact will review and submit to Director of the Communications Division
 - The Director of the Communications Division will review and send comments back to the Local Government Technical Support Contact
 - The Local Government Technical Support Contact will send comments to the Local Entity/Consultant for correction
 - The Local Entity/Consultant will send the press release to the appropriate media and include in the project record
- District Design Projects
 - If a District needs to conduct a Public Information Meeting direction shall be taken from Design Division when scheduling and submitting Press Releases
- Bridge and Design Division developed projects:
 - The environmental document author will submit a copy to the appropriate Administrative Assistant 21 calendar days prior to Public Information Meeting
 - The Administrative Assistant will review and submit to the Director of the Communications Division
 - The Director of the Communications Division will review and send to the appropriate media and provide an email receipt to the appropriate Administrative Assistant to be included in the project record

II-03.02.03.02 Conducting a Public Informational Meeting

Public Informational Meetings should be held at a time and place convenient for affected citizens. The meeting location should be accessible to the mobility impaired. The following are the two most common formats, but there are others that may be appropriate, and could include a combination of both.

- Traditional format: The traditional format is effective in presenting information, and especially in disseminating large amounts of data to a large, diverse audience. This format consists of an agency presentation, followed by a discussion period with the audience.
- Open-house format: The open-house format is becoming increasingly popular for dealing with the public on a one-to-one basis. Since this type of meeting is, by its nature, easy to conduct with no agendas, presentations, or other structured activities people can come and go at will.

- The decision on which meeting format to use is made by: the city, on urban roads program projects; the county, on county major collector program projects; NDDOT on all other projects.

II-03.02.03.03 Public Informational Meeting Response Period

The intent of an informational meeting is to inform the public of the project, therefore no input is gathered. A response period is not warranted.

II-03.02.04 Public Involvement Report

After the public comment response period has passed for Public Input Meetings and Public Hearings, the Public Involvement Report is prepared by the environmental document author. The Public Involvement Report should include the following: when and where it was held; affidavit of publication including a copy of the Public Hearing Legal Display Advertisement; Press Release including a copy of the email distribution from Communications Division; an explanation of the Public Meeting(s); a copy of any handouts; a copy of the exhibits presented; the video script (if video was used); Power Point slides; a copy of the roster; transcript; a copy of all comments received and responses provided; and any other information about the Public Meeting(s).

For local entity developed projects, the consultant should coordinate with the Local Government Technical Support Contact for distribution of the Public Involvement Report. For NDDOT developed projects, the original copy of the Public Involvement Report is submitted to the administrative assistant in the Office of Project Development. Members of the public who request a transcript at the Public Meeting(s) should also be sent a free copy. The administrative assistant will make copies of the original and send a copy to the public who requested it and any other copies that are required.

Please note that the Public Involvement Report is prepared as a separate document for projects processed under a Documented CatEx only. For projects where an EA or EIS is prepared, this information should be contained in the appendices. For projects where a meeting is held after the project development phase prior to construction (Public Information Meeting), the Public Involvement Report will be placed in the project record.

II-03.03 Citizen Advisory Committee Meetings

Citizen advisory groups are established on complex projects to obtain early public involvement and input for the projects. The groups should be comprised of adjacent property owners, business people, the general public, or special interest groups, as appropriate for that project. Normally, the first meetings with the group are held before the completion of detailed engineering studies. The group should be involved throughout the project development process.

The environmental document author will conduct citizen advisory meetings to provide review and comment of project development activities; prepare informational handouts and exhibits, as necessary; prepare and distribute written summary of comments received; and prepare and distribute project newsletters to participants, as necessary.

II-03.04 Technical Advisory Committee Meetings

Technical advisory groups are established on complex projects to obtain early expert involvement and input on the projects. The group should be comprised of federal, state, and local representatives. Normally, the first meetings with the group are held before the completion of detailed engineering studies. The group should be involved throughout the project development process. The environmental document author will conduct technical advisory meetings to provide review and comment of project development activities; prepare informational handouts and exhibits, as necessary; prepare and distribute written summary of comments received; and prepare and distribute project newsletter to participants, as necessary.